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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of the States parties

Addendum

NETHERLANDS*

INTRODUCTION

Since the issuance of the first report, there have been several changes in the implementation of certain articles. This report is a supplement to document CEDAW/C/NET/1 of 7 April 1993. The most recent data are given here, with numbered references to the sections of the initial report.

ARTICLE 6

Section 407. The Aliens Circular (B22) for victims of traffic in women who are illegally resident in the Netherlands created the possibility of obtaining a temporary stay permit. In practice this proved a flawed arrangement: witnesses to traffic in women who were not themselves victims of the practice were subject, if they made themselves known, to expulsion from the Netherlands. When a particular case brought this anomaly to light, steps were taken to remedy it, and since 19 April 1993 witnesses to traffic in women have also been covered by the provision, whether or not they are victims of the practice.

* Supplement to the initial report.

Section 408. According to figures provided by the Organisation Against Traffic in Women, 21 criminal cases were brought against a total of 42 suspects in the period 1987-1990. Those convicted (there were a small number of acquittals) received custodial sentences ranging from 6 months to 4-1/2 years. In some cases, however, charges were dropped or investigations concluded without having yielded any results. There are no reliable statistics on criminal cases concerning traffic in women or on the number of women involved in such cases. An institute of criminal law studies is at present conducting a survey on this subject, which is expected to be concluded by the end of March 1994. The results will be presented at a conference in June 1994, organized by the (partly State-funded) Human Rights Information Centre, which is affiliated to the University of Utrecht. The traffic in women will be the subject of broad-ranging discussions at the conference, which will target delegates from both government and private organizations from all parts of the world, particularly from countries in which such traffic is prevalent and those in which the victims are forced to work. The aim of the conference is to formulate recommendations, and reach agreements designed to tackle the problem on all fronts.

One major problem connected with criminal prosecutions for traffic in women is the great length of time such proceedings may take, given the possibility of appeal often used by suspects and sometimes by the public prosecutions department. If the women concerned have returned to their countries of origin in the meantime, this often means that they have to travel back to the Netherlands when the case comes to trial, or alternatively that they must be heard again, in their own country, with the use of letters rogatory. This places a great burden upon the criminal justice authorities, and also of course on the women themselves. It used to be easier for district or appeal courts to be satisfied with statements made under oath to the examining magistrate, but since the rulings of the European Court of Human Rights on the use of "anonymous witnesses", requests submitted by the defence that the woman concerned be questioned once more, in court, very often have to be granted.

ARTICLE 7

Article 7 (a)

Right to stand for election

The supplementary data are very limited, no elections having been held since the previous report. No data are available on the consequences of interim departures of members of municipal councils and provincial executives. As far as the members of the Second and First Chambers of Parliament are concerned, the percentages of women MPs (on 1 July 1993) are as follows: Second Chamber: 28.67 per cent (25 per cent in 1989); First Chamber: 25.33 per cent (28 per cent in 1991).

These figures are the result of interim resignations.

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Article 7 (b)

Preferential treatment policy of central Government

The central Government has now reached the half-way point in its planning period for the follow-up stage of its preferential treatment policy on women (1991-1995). By the close of 1992, the proportion of women employed by central Government had risen to 28.5 per cent. This represents a relative rather than absolute increase: the number of women employees has remained fairly constant at about 40,000. The absolute number of men employed by central Government fell during the period in question.

The percentage of women in scales 10 and above increased from 8.7 per cent in 1984 to 15.7 per cent by the end of 1992, with annual growth slowing down from 1.5 per cent in the initial stages to 0.5-1 per cent in recent years. The target figure of 30 per cent female employees within central Government by 1995 is expected to be comfortably attained. Attaining the target figure of 20 per cent of women in the higher scales will demand an extra effort on the part of ministries. There is no question as yet of men and women being evenly distributed among all posts. Not only are women largely concentrated in the lower scales, but in the main they are also engaged in what have traditionally been regarded as women's work: secretarial jobs and work with a mainly social/cultural reference.

Queen's Commissioners and Burgomasters

There are at present (1 July 1993) 64 women burgomasters. This is 9 per cent of all burgomaster posts (there are 646 municipalities). On 1 July 1992 the number of women burgomasters was 57; with a total number of 50 posts becoming vacant over the past year there has been a net gain of 7 women. In August 1992 the Minister of Home Affairs presented the government position on women in politics and public administration to the First Chamber of the States General, which envisages a large number of measures aimed at increasing the participation of women in politics and public administration.

The following target figures have been set for burgomasters and Queen's Commissioners for the end of 1995: 100 women burgomasters and 1 woman Queen's Commissioner. Since the appointment of Ms. De Boer in Drenthe the latter objective has already been achieved, but extra efforts are still needed to ensure that more women are appointed to the posts of burgomaster and Queen's Commissioner.

The Ministry of Home Affairs has taken three steps towards increasing these numbers: the development of a personnel policy for burgomasters, the specification of job requirements for the post of burgomaster, and a proposal, endorsed by the Queen's Commissioners, to pay explicit attention in their recommendations to the Minister to the opportunities of women candidates for the post of burgomaster.

The Government's advisory bodies

The 1987 instructions on external advisory bodies had too little effect. These guidelines have therefore been tightened up in the government position on women in politics and public administration. In newly formed advisory bodies, women are to constitute 50 per cent of the members unless there is a demonstrable lack of suitable women candidates. Where existing bodies are concerned, the target figure remains 1[illegible] per cent, and for intergovernmental committees it remains at 20 per cent. Ministries and advisory bodies will be informed of these measures, and compliance will be monitored more strictly.

Measures relating to parents

A parental leave scheme has come into operation for central government personnel. The leave is granted to public servants whose appointments are for 16 or more hours a week, and who have been employed for a minimum of one year.

Article 7 (c)

Participation in non-governmental organizations

On the basis of recommendations made by the Emancipation Council, the Government has expressed its support, in the government position on women in politics and public administration, for explicit measures aimed at increasing the number of women in these walks of life. Since then it has been more cautious about subsidizing activities conducted by political parties, chiefly relying on negotiation and persuasion to convince parties of their responsibilities in these matters. It also devotes special attention to encouraging women of non-Dutch origin to take part in politics. Implementation of the government position has already started. The Ministry of Home Affairs is to submit annual reports to the First Chamber concerning the progress of the implementation of the measures referred to in the government position and the quantitative results achieved. The first report was issued in June 1993.

ARTICLE 9

Article 9, paragraph 1

Section 451. The Government has now put before Parliament a bill that will enable all persons with a second nationality to retain Dutch nationality.

Section 453. The bill presently before Parliament will also ensure that persons who obtain Dutch nationality through naturalization will no longer have to renounce their original nationality.

Article 9, paragraph 2

Section 461. In order to combat the fairly recent phenomenon of bogus acknowledgments of paternity (to further the aims of illegal adoption or prostitution), the Government intends to propose that Parliament enact legislation whereby acknowledging paternity of a non-Dutch child will no longer

automatically mean, by law, that the child acquires Dutch nationality. The Government wishes to add supplementary requirements by stipulating that the person who has acknowledged the child in question must have been responsible for the care and upbringing of that child for an uninterrupted period of three years subsequent to the acknowledgement of paternity and prior to the child's reaching the age of majority.

ARTICLE 11

Section 497. The groups for whom employment exchanges have formulated output targets are presently as follows: ethnic minorities, long-term unemployed persons, persons partly incapacitated for work and women. In the new situation the efforts made to find work for the persons concerned must be proportional to their share in the total number of unemployed job-seekers registered at the employment exchange.

Section 498. The methods used by women's job shops and the special training schools for women have proved so successful that they are to be incorporated into the conventional training and job-seeking activities of the public employment service.

Section 499. Reports on the labour market are published every three months by the Ministry of Social Affairs and Employment. They list the key developments on the labour market, with a partial breakdown according to sex. In addition, quarterly and annual reports of the results of the public employment service are presented, including specific references to the trends in relation to women.

The percentages of women in the labour force in 1992, according to the new CCS 91 definition (i.e. taking a working week of 12 hours as the lower limit) were as follows: 48.4 per cent in the 15-24 age group, 37.3 per cent in the 25-44 age group and 28.8 per cent in the 45+ age group (average 37 per cent).

Section 500. Women are still highly concentrated, in the Netherlands, in a limited number of occupations. If occupations are divided into 85 categories, in 1992 a mere 10 of these categories accounted for over 70 per cent of working women. These are as follows, in descending order of frequency: medical and paramedical staff, administrative staff, cashiers/counter clerks, shop assistants/sales staff, domestic staff and carers, secretaries and typists, teachers, researchers and other specialist staff, hotel and catering staff and caretakers/cleaners. This occupational segregation has diminished, however, relative to 1975, in which year virtually the same 10 categories accounted for almost 80 per cent of women workers. Researchers and other expert staff constituted a new category in this top 10 (ousting seamstresses and tailors): the number of women with jobs in this category rose from 23,000 in 1975 to 86,000 in 1992.

Section 504. Together with employers' organizations and trades unions in the construction and road-building industries, the Ministry of Social Affairs and Employment launched a project on women in construction. The first stage involved researching the problems that are involved (both physical and social/cultural) in women entering such a male domain as construction work, and

proposing possible solutions. Seven demonstration projects were then set up which showed specific problems arising in a work situation and solutions being put into practice "on the shop floor". Some of the solutions were partly subsidized 50 per cent by the Government.

Section 505. Social partners are continuing their efforts to promote the influx of women into industry, in particular, by encouraging girls to enter schools offering vocational education.

Section 506. Research, commissioned by the Labour Directorate General of the Ministry of Social Affairs and Employment, was conducted into the opportunities for women, and the obstacles they face, in the metal industry. The results of this study are to be incorporated in the collective bargaining negotiations.

Section 525. The Government plans to amend the Working Conditions Act to give home-workers the same protection as other employees. At present, the Working Conditions Act already applies to work at home which is carried out under an employment contract or under authority. The Act is to be amended in such a way that all forms of work at home, irrespective of the legal relationship between the homeworker and the employer, come within the scope of the act. Furthermore, a number of minimum standards are being formulated for homeworkers in an order in council. These will include, for example, provisions prohibiting people from working with certain chemical substances, an obligation for employers to keep a register of work contracted out to people working at home and an obligation on the part of the employer to provide homeworkers with proper information about any risks entailed by the work and measures to reduce them. The amendment was put before Parliament in May 1993, and it is expected to enter into force at the beginning of 1994.

Bringing all forms of work at home within the scope of the Working Conditions Act will not be sufficient to improve working conditions in practice. With the cooperation of the social partners, the Government will also have to provide guidance and encouragement (ensuring that both employers and homeworkers receive proper information, and giving the latter support).

Section 527. In the mid-1980s, a number of changes were introduced into the legal schemes which provide protection in the event of illness, old age, invalidity, accidents at work, unfitness for work and unemployment, in compliance with the European Community (EC) directive of 19 December 1978 concerning the equal treatment of men and women in the realm of social security. The directive did not affect legislation concerning provisions for next of kin (in particular, the Widows and Orphans Benefits Act). In a judgement dated 7 December 1988, the Central Appeals Tribunal, the highest court for social security matters, ruled that the fact that benefits to widowers are paid out under the General Widows and Orphans Act only in special circumstances could no longer be reconciled with the provisions of article 26 (the general principle of equality) of the International Covenant on Civil and Political Rights. Since that time, widowers have been awarded pensions on the same terms as widows. A completely revised General Dependants Act is presently before Parliament.

Section 529. There are still proposals before the Dutch Parliament to implement this directive. The process is being hampered by the uncertainty that has

arisen within the European Community about the scope of the directive as a result of the judgement of 17 May 1990 given by the European Court of Justice in the Barber case. On the basis of this judgement, female and male employees must at any rate be treated equally in relation to collective pensions schemes from the date of the judgement. The uncertainty relates mainly to whether or not the judgement has retrospective force and the degree to which the fourth EC directive can be prescriptive for future national legislation. In mid-October 1993 the Court is expected to give judgement in a number of cases that may clarify these matters. The directive will at any rate remain applicable to self-employed persons.

Section 532. Additional protective provisions for pregnant women and women of childbearing age have been incorporated into the Nuclear Power Act.

Section 534. Women who work in operating theatres may seek advice from the Labour Inspectorate.

Section 536. Point 3. Since 1986 the Labour Inspectorate has employed special inspectors that women may approach confidentially and who mediate on an informal basis. In the period March 1986-March 1993 some 60 complaints about sexual harassment were addressed to the Labour Inspectorate. Point 6. An amendment to the Working Conditions Act that will add measures to combat sexual harassment at work will be put before Parliament in autumn 1993. It has already been endorsed by the working conditions council in which both employers and employees are represented.

Section 545. The pamphlets If you have a job and become pregnant and Working women and breastfeeding are in great demand.

Section 546. The Labour Inspectorate's publication Pregnancy and Work also contains a chapter about breastfeeding at work.

Section 547. In view of the fact that the current provisions of the Factories Act (1919) are no longer appropriate to present-day conditions, the Government has proposed, in its request for recommendations on this act, that a more up-to-date section be included. Its proposal states that for the first nine months of the child's life a woman should be entitled to take breaks for the purpose of breastfeeding. In such cases the employer will be obliged to make proper arrangements for this and, where necessary, to provide a suitable room. The breaks are to be as frequent and as long as necessary, up to a maximum of one fourth of the total working day, after consultations between the employer and employee. The Government also proposes that a statutory provision be introduced giving women who wish to express milk the same opportunities to do so as those actually breastfeeding.

Section 548. In 1992 an advisory report was received from the Social and Economic Council (SER). A bill governing working hours is presently under preparation.

Section 549. In July 1992 the results of the study to assess women's responses to the new pregnancy and maternity leave schemes were published. The study

included questions on women's experience of breastfeeding at work and the adjustment of working hours during pregnancies.

Section 551. The regulations allow collective labour agreements to contain their own, divergent schemes, provided that these are no less favourable to employees.

Section 552. The Government aims to expand the scope for combining paid employment with parenting. Concrete steps in this direction include incentives to increase child-care facilities, a statutory parental leave scheme, the promotion of part-time work and the improvement of the legal position of part-time workers.

Section 557. In 1993 the Government decided to extend its child-care incentives scheme for two years. The aim is to achieve a 25 per cent increase in the number of places (10,000 to 13,000 places, in addition to the 49,000 created by previous incentive schemes) by increasing the number of places reserved for employers. This means that the ratio between subsidized places and those financed by employers, which is presently (in 1993) 2:1, will have to be reversed during the period 1994-1995. Municipalities will be expected to ensure that the supply of employers' places is better attuned to demand by establishing regional registration points.

Section 562. In an extreme case, it will be possible for a pregnant employee to be altogether exempt from work.

Section 563. Research has been conducted into the effects on pregnant employees of performing physically demanding work. Pregnant nurses were interviewed in a longitudinal study, and two control groups were used, one consisting of nurses who were not pregnant, and the other of pregnant clerical staff. Another study examined the effects of strenuous work during the post-partum period (up to six months after the delivery).

Section 568. The special provisions of the Factories Decree (1920) covering women who work in dispensing chemists, shops, offices and the arts and entertainment industry have been amended.

Section 569. The provision of the Stevedores Act (1914) prohibiting women from working as stevedores has been revoked.

ARTICLE 12

Article 12 (1)

Section 570

Further medical training

At the moment over 50 per cent of the medical students are female. This increase has resulted in a greater number of women in the medical post-graduate schools. This applies especially to the training for general practitioners. It

does not apply to most other post-graduate medical courses. Particularly the training for the so-called "cutting" specializations is hardly accessible for women. Consultation with professional organizations on the matter of accessibility for women has not yet led to changes in application of the conditions of entry.

In 1991 the College for General Practice and Nursing Home Medicine decided, after some experiments, to create the possibility for part-time training for practitioners. Some parts of the specialist training also offer part-time courses.

Anonymity of donors in case of artificial insemination

Several developments have occurred in the field of human fertility. The Dutch Government has proposed a bill to abolish anonymity of donors in case of artificial insemination. This bill proposes the possibility under special circumstances of access to personal data of donors (including their identity) on behalf of children begotten this way. This means that, in principle, each sperm donor may be confronted in time with abolishment of his anonymity. The draft was sent to the State Council in January 1993.

Fertilization techniques

In recent government policy papers, a law on fertilization techniques has been announced. The law will regulate the use of human gametes and embryos, excluding experimental use. Issues for regulation are left-over embryos after in vitro fertilization, a prohibition on commercialization, post-mortem donation etc. The law also regulates the power to dispose of gametes and embryos. At the moment, possible points for regulation are being accumulated. Also, a temporary point of view on this matter is developed by the Government.

Female circumcision

In March 1992 research was conducted on the occurrence of female circumcision in the Netherlands. The conclusions of the report led to public awareness of the issue. Shortly after, the Government came out with a formal standpoint.

Female circumcision is a practice which runs contrary to prevailing attitudes in the Netherlands on the equality of women and their place in society. It is viewed as a form of repression, and as Dutch policy aims to combat the repression of women, it opposes all forms of female circumcision (both mutilating and non-mutilating forms).

The policy is geared towards prevention, with judicial intervention as a last resort.

Measures aimed at preventing the circumcision of women and girls in the Netherlands

Preventive measures consist mainly of information campaigns directed at refugees and asylum seekers, both men and women, at professional carers and at organizations and bodies involved in the guidance, education and support of these groups.

From 1 January 1993, a new semi-independent organization, the Pharos Association, started providing information and assistance to refugees and asylum seekers and helping to enhance the expertise of health care workers. Among others, it initiated work on a project to set up an information and consultation centre on female circumcision. The purpose of this centre will be to prevent girls being circumcised and to improve assistance to refugees and asylum seekers who are already circumcised. The emphasis will be on Somali women as they are the largest group of refugees in the Netherlands for whom this is a problem. The project will also provide information for Somali men.

Various professional groups are confronted with either a recently performed circumcision, or suspect that one is about to be performed. At present, a working group is drawing up guidelines for the professionals involved on how to act in such situations. In the working group the following organizations are represented: Child Care and Protection Boards, Child Abuse Counselling Centres, Chief Medical Inspectorates, the medical services of the Interim Refugee Reception Organization and the Ministry of Justice.

Judicial intervention

Although female circumcision as such is not punishable under the Criminal Code, it does constitute intentional assault (art. 436 of the Criminal Code) and the unlicensed practice of medicine (arts. 300-309 of the Criminal Code). Furthermore, sanctions under legislation governing the practice of medicine can be applied against medical practitioners who cooperate in female circumcision.

Reference is made to the Appendix containing Somali population figures.

ARTICLE 13

Article 13 (c)

Section 591

National Support Centre for Women and Cultural Affairs

The Dutch Government has chosen a global approach in its emancipatory policy for cultural affairs. This means one policy for the whole field of media, literature, libraries, arts, galleries and archives. At the moment research is taking place on the desirability of the realization of a national support centre for women and cultural affairs. This centre could be charged with the improvement of the position of women in the field.

Institute for Gender Perception

The governmental emancipatory policy in the media consists largely in supporting the Institute for Gender Perception. This Institute was established in July 1991 and is supported by both the Government and Dutch Broadcasting Corporations. The purpose of the project is to facilitate an alternative approach in national broadcasting. This could lead to a change in the traditional perception of masculinity and femininity. The main tasks of the Institute are to take stock of the progress regarding their perception in the Netherlands, to confront and inform the broadcasting organizations, to support creators of television programmes and to advise stations.

ARTICLE 14

Article 14 (2)

Section 593

State of affairs

The possibilities of rural women to take part in activities like having a job, receiving education, recreation and social contacts are partly dependent on infrastructure. This includes the accessibility, safety and availability of services, and respectively, the scale of those services. In some areas, the amenities of the countryside are under pressure because of a drop in employment (e.g., on farms), because of a decrease in inhabitants and because of the worsened accessibility of daily services. The national Government has created six regions after consulting provincial authorities. In these regions adjustments to these developments are promoted by way of regional development programmes. These programmes include information on the following:

(a) Creating perspectives, taking into account trends in society;

(b) Analysing alternative functions for or means of existence in the area and its surroundings;

(c) Developing a sustainable planning structure;

(d) Giving special attention to the conservation of the services for the region as a whole and to accessibility to these services;

(e) Giving special attention to inhabitants most vulnerable to functional changes (e.g., women in general, the elderly, disabled and adolescents and young adults);

(f) Stimulating regional cooperation in using the possibilities within the social regeneration policy (see also the annexed fact sheet on the Dutch welfare policy in the 1990s).*

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* The fact sheet was not included with the response from the Government.

It should be obvious that the regional development programmes contribute to an improvement of the position of rural women in these regions. Furthermore these specific regions set an example in determining the way of thinking in other rural areas.

The regional development programmes are drawn up by regional steering committees, assisted by advisory groups. In these advisory groups, representatives of trade and industry take part together with representatives of non-governmental organizations. Organizations of rural women are participating in some groups.

Section 594

(e) Organizations of rural women

At the national level, three organizations of rural women exist:

1. Netherlands Union of Rural Women (Nederlandse Bond van Plattelandsvrouwen)

This organization has 76,500 members and is organized in 11 provincial and 715 local divisions. Management and execution are performed by volunteers. The purpose of the organization is to make women aware of their responsibility for society, in general, and to stimulate their participation in it, especially in rural areas. Therefore, it concerns itself with the emancipation of rural women. In the context of this task, educational and formative activities are offered to the members and staff. The membership of the Union is open to women of all religious persuasions and is not connected with political sides.

2. Federation of Catholic Rural women Netherland (Federatie Katholieke Plattlelandsvrouwen Nederland)

This Federation consists of four regional autonomous Catholic organizations, which together cover the whole country (613 districts). It has 57,000 members and for staff, mainly volunteers. The main purpose of the Federation is to advocate the interests of the regional organizations and their members. Educational and formative activities take place in the religious, cultural and domestic fields as well as being oriented towards society in general.

3. Christian Union of Rural Women (Christelijke Plattevrouwenbond)

This union has 19,000 members and is divided into about 300 districts. It aims at emancipation of rural women and therefore stimulates them to make choices deliberately in such a way that members can participate fully in society. It also advocates the interests of the members.

(h) Conditions of life

In the context of social regeneration policy (see further the annexed fact sheet on the welfare policy in the 1990s), various municipalities including

those in rural areas stimulate integrated care at the level of districts.* The goal of these projects is the improvement of the living climate for the inhabitants. In a number of municipalities, projects on accessibility have been started.
Although these projects are not directed at the improvement of life, for women as such, they are in fact contributing to this specific group in several ways.

In the six regions supported by the national Government, experiments are taking place in the field of transport that are very important for the mobility of women (e.g., supplementary transportation systems generally functioning on appointment by phone).

ARTICLE 16

Article 16, paragraph 1 (b)

Section 614. If it is established that the sole concern of persons intending to marry is to obtain entry into the Netherlands, the marriage contravenes Dutch public order, since this aim is irreconcilable with marriage as a legal institution.

In order to enable officials of the registry of births, marriages and deaths to form a judgement of the persons intending to marry, the latter are required to submit a declaration from the local aliens department, when applying for a marriage licence, stating whether they have a Dutch residence permit, or have submitted an application for one, or do not intend to stay in the Netherlands. Should there be any facts or circumstances which might be taken as indications of a marriage of convenience, these must be included in the declaration.

Article 16, paragraph 1 (f)

Section 624

The bill to amend existing regulations on parental authority and access to minor children is now before the First Chamber. This bill will provide a statutory basis for the de facto practice of shared parental authority subsequent to divorce, and extend it to include shared parental authority in relationships between unmarried parents.

The bill will also expand the scope for others (in the main, relatives) to be allowed access to children. This could apply in certain circumstances, for instance, to grandparents and aunts or uncles and also, in principle, to foster parents.

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* The fact sheet was not included with the response from the Government.

Another amendment will ensure that the parent who has parental authority will be obliged to inform and consult the other parent about important matters of upbringing. Furthermore, the parent who does not have parental authority will acquire the right of information in respect of certain third parties such as the child's teachers at school.

Article 16, paragraph 1 (g)

Section 632

The bill proposed by the Government to allow parents free choice in determining the family name of their children (i.e., the father's or the mother's name) has since been amended to the effect that parents, whether married or unmarried, must in all cases choose whether their children are to take the father's or the mother's name. If they fail to make such a decision, a random choice will be made rather than the child automatically taking the father's name, as was previously the case.